

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84193 of 2023

Arising Out of PS. Case No.-267 Year-2023 Thana- RAGHOPUR District- Vaishali

1. Jaipal Sah @ Jaipal Sha S/O Late Shobit Sah @ Shobit Rai R/O Village- Jahangirpur, P.S- Raghobpur (RUSTAMPUR O.P.), Distt.- Vaishali.
2. Vikash Kumar S/O Vidyasagar Rai R/O Village- Wahidpur, Wahitpur, P.S- Raghobpur, Distt.- Vaishali.
3. Dhananjay Kumar S/O Ram Vivek Rai R/O Village- Didarganj, P.S- Didarganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra
For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have filed the instant application for grant of regular bail in connection with Raghobpur (Rustampur O.P.) P.S. Case No. 267 of 2023 registered under section 30(a) of the Bihar Prohibition and Excise Act and Section 414 of the IPC.

Prosecution case relates to recovery of total 640 liters of country made liquor from two motorcycles and these petitioners were arrested on spot by the police. The two motorcycles which were recovered, belong to the petitioner



No.2 and Petitioner No.3.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. It is further submitted that nothing incriminating has been recovered from the conscious possession of the petitioners and they have no concern with the seized illicit liquor. Moreover, they are languishing in judicial custody since 04.11.2023.

The application for bail is opposed by learned APP for the State and submitted that the petitioners have been arrested on spot with the said vehicle by the police where the recovery has been made.

The petitioner No.2, namely, Vikash Kumar and petitioner No.3, namely, Dhananjay Kumar are directed to deposit a sum of Rs. 5,000/- (Rs. Five Thousand) each in the District Legal Services Authority of the concerned District.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioners, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Raghapur (Rustampur O.P.) P.S. Case No. 267 of 2023 each of them on



furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court (Second)-cum-Additional District and Sessions Judge, Vaishali at Hajipur.

The bail bonds of the petitioner No.2, namely, Vikash Kumar and Petitioner No.3, namely, Dhananjay Kumar shall be accepted by the learned lower Court below on showing the receipt of deposit of Rs. 5,000/- (Rs. Five Thousand) each by the petitioner No.2 and petitioner No.3 in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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